

## Plunder of Distressed Vessel

**Agencies:** United States Coast Guard

**Citation:** [18 U.S.C. § 1658](#)

**Enacted as:** [Section 16 of the “Act of April 30, 1790](#), An Act for the Punishment of certain Crimes against the United States”

**Where Law Applies:** In any place within U.S. admiralty and maritime jurisdiction, including ships that have run aground on U.S. or foreign shore. U.S.-flagged vessels are under constructive U.S. jurisdiction while outside of actual U.S. jurisdiction.

### Summary:

[“Plunder of Distressed Vessel”](#) (18 U.S.C. § 1658), also known as the “Plunder Statute”, provides a criminal penalty for the looting or destruction of a vessel that is lost, wrecked or in distress at sea. It applies in any place within U.S. admiralty jurisdiction over commerce and navigation, including ships that have run aground on a U.S. or foreign shore.

18 U.S.C. § 1658, Plunder of Distressed Vessel, states:

(a) Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be fined under this title or imprisoned not more than ten years, or both.

(b) Whoever willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; or

Whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger or distress or shipwreck—

Shall be imprisoned not less than ten years and may be imprisoned for life. (ch. 645, 62 Stat. 775 (June 25, 1948; Pub. L. No. 103-322, § 330016(1)(K), 108 Stat. 2147 (1994)).

Under the Plunder Statute, it is an offense to plunder, steal, or destroy goods of any value from and/or belonging to a wrecked vessel within U.S. admiralty or maritime jurisdiction with the knowledge that the items so belong and with an intent (even briefly, during or after taking) to appropriate, convert, or destroy the items by a use other than restoring them to their rightful owner. The taking of such items cannot be justified by the situation in which they are found nor any custom. The Plunder Statute applies to items belonging to the wrecked vessel “[f]rom the moment of the wreck . . . until restored to their rightful owner,” regardless of the property’s location and even where the vessel itself has gone to pieces. Although U.S.-flagged vessels are under constructive U.S. jurisdiction while outside of actual U.S. jurisdiction, such jurisdiction ceases for purposes of this statute once a vessel is

destroyed to the point that “not a vestige of the vessel remain[s].” The statute is also not intended to reach voluntarily abandoned property.

### **Legislative History:**

The Plunder Statute originated in the [Act of April 30, 1790](#), *An Act for the Punishment of certain Crimes against the United States*, also known as the “Crimes Act of 1790”, crafted by the First Congress of the United States. The Congress convened in March 1789 in New York and created the first comprehensive series of federal offenses, including the first substantive U.S. law on piracy. Section 16 of the Crimes Act of 1790 regarding larceny stated:

*And be it [further] enacted*, That if any person within any of the places under the sole and exclusive jurisdiction of the United States, or upon the high seas, shall take and carry away, with an intent to steal or purloin the personal goods of another; or if any person or persons, having at any time hereafter the charge or custody of any arms, ordnance, munition, shot powder, or habiliments of war belonging to the United States, or of any victuals provided for the victualing of any soldiers, gunners, marines or pioneers, shall for any lucre or gain, or wittingly, advisedly, and of purpose to hinder or impede the service of the United States, embezzle, purloin or convey away any of the said arms, ordnance, munition, shot or powder, habiliments of war, or victuals, that then and in every of the cases aforesaid, the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offences aforesaid) shall, on conviction, be fined not exceeding the fourfold value of the property so stolen, embezzled or purloined; the one moiety to be paid to the owner of the goods, or the United States, as the case may be, and the other moiety to the informer and prosecutor, and be publicly whipped, not exceeding thirty-nine stripes. (1 Cong. ch. 9 (IX), § 16 (LXV), 1 Stat. 112).

In 1804, Congress added the crime of willfully and corruptly casting away, burning, or otherwise destroying any ship or vessel. The penalty upon conviction was death; the penalty even applied to owners who committed the crime. (D. Henderson, *Congress, Courts, and Criminals: The Development of Federal Criminal Law, 1801-1829*, Greenwood Press (1985), citing 3 Stat. 275-276).

In 1825, Congress sought to clarify the jurisdiction of courts over admiralty crimes, amend punishments under the Crimes Act of 1790, and incorporate additional offenses not previously defined. The result was [An Act of March 3, 1825](#), *An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes*, also known as the “Crimes Act of 1825.” Section 9 of the new Crimes Act of 1825 stated:

*And be it further enacted*, That, if any person or persons shall plunder, steal, or destroy, any money, goods, merchandise, or other effects, from or belonging to any ship or vessel, or boat, or raft, which shall be in distress, or which shall be wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks, of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, or if any person or persons shall wilfully obstruct the escape of any person endeavouring to save his or her life from such ship, or

vessel, boat, or raft, or the wreck thereof, or, if any person or persons shall hold out or show any false light, or lights, or extinguish any true light, with intention to bring any ship or vessel, boat or raft, being or sailing upon the sea, into danger, or distress, or shipwreck; every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and imprisonment and confinement to hard labour, not exceeding ten years, according to the aggravation of the offence. (18 Cong. ch. 65, § 9, 4 Stat. 116).

Congress later revised Section 9 of the Crimes Act of 1825 in the Revised Statutes of the United States, § 5358 (1873-1874). Aside from minor changes to the phrasing, the language remained the same. The language also remained generally the same through 1940, when Congress organized the law under the U.S. Criminal Code at 18 U.S.C. § 488 (Mar. 4, 1909, ch. 321, § 297, 35 Stat. 1146).

In 1948, the mandatory punishment provisions were rephrased in the alternative to “shall be fined not more than \$5,000 or imprisoned not more than ten years, . . . or both” in subsection (a) and “Shall be imprisoned not less than ten years and may be imprisoned for life” in subsection (b). (June 25, 1948, ch. 645, § 1, 62 Stat. 775). The 1946 Reviser’s Notes for 18 U.S.C. § 201 noted that mandatory punishment provisions were rephrased in the alternative because the federal courts then had the discretion of making use of the power to suspend sentence under 18 U.S.C. § 3641, Suspension of Sentence and Probation. (Reviser’s Note, 18 U.S.C. § 201 (1946)).

The 1994 amendments under Public Law 103-322 replaced the subsection (a) penalty “fined not more than \$5,000” with “fined under this title.” (House Report Nos. 103-324 and 103-489 (Nov. 3, 1993 and May 2, 1994), and House Conference Report No. 103-711 (Aug. 21, 1994), to accompany H.R. 3355). (Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147).

## Cases:

Although the Plunder Statute has not been adjudicated since 1881, it may still be used today. Of note, Section 1406(i) of the [Sunken Military Craft Act](#) (SMCA) ([10 U.S.C. § 113](#)) specifies, “Nothing in this subtitle is intended to prevent the United States from pursuing criminal sanctions for plundering of wrecks, larceny of Government property, or violation of any applicable criminal law.” Thus, use of the Plunder Statute in regard to protecting sunken military craft is also still permissible.

- *United States v. Coombs*, [37 U.S. 72 \(1838\)](#). (See [case summary](#))
- *United States v. Pitman*, [27 F. Cas. 540 \(D. Mass. 1852\)](#). (See [case summary](#))
- *United States v. Smiley et al.*, [27 F. Cas 1132 \(C.C.N.D. Ca. 1864\)](#). (See [case summary](#))
- *United States v. Stone*, [8 F. 232 \(C.C.W.D. Tenn. 1881\)](#). (See [case summary](#))